

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

SHEARD, et al.,)	
Plaintiffs,)	
)	
v.)	No. 3:01-CV-660
)	
LOCKHEED MARTIN ENERGY SYSTEMS,)	Phillips/Shirley
et al.,)	
Defendants.)	

ORDER

This case came before the Court for a hearing on January 30, 2006. At that hearing, all parties, through their undersigned counsel, advised the Court that they had reached an agreement as to the resolution of the Defendants' motion for severance of this matter for trial (Docket No. 269). In sum, the parties have agreed that the claims of Plaintiffs James Andrews, Mabrey Duff, Johnny Frank Linson, William Eugene Miller, Doyle Mynatt, Harvey Stevens, and Faye Brewer (collectively, the "Individual Employee Plaintiffs") shall each be tried individually and shall be the first of these cases to be tried; and that the claims of Plaintiffs Gary Alexander, Donald Arnwine, Richard Campbell, James Clark, John Davidson, Loretta Davidson, Paul Moore, John Moran, Paul Sheard, Paul Thomas, and Frederick Thrift (collectively, the "Security Guard Plaintiffs") shall be tried in three groupings, detailed below, after the conclusion of the Individual Employee Plaintiffs' trials.

Accordingly, pursuant to Federal Rules of Civil Procedure 20 and 42 and for good cause shown, the Court **ORDERS** as follows:

1. The claims of Plaintiff Eugene Miller against Defendant Lockheed Martin Energy Systems, Inc. ("LMES") shall be set for trial beginning on **June 5, 2006**. A final pretrial conference shall be held at **2:00 p.m. on May 26, 2006**.

2. The claims of Plaintiff Johnny Frank Linson against Defendant LMES and Defendant BWXT Y-12, L.L.C. ("BWXT") shall be set for trial beginning on **July 31, 2006**. A final pretrial conference shall be held at **2:00 p.m. on July 24, 2006**.

3. The claims of Plaintiff Harvey Stevens against Defendant LMES and BWXT shall be set for trial beginning on **August 21, 2006**. A final pretrial conference shall be held at **2:00 p.m. on August 15, 2006**.

4. The claims of Plaintiff Mabrey Duff against Defendant LMES and BWXT shall be set for trial beginning on **September 25, 2006**. A final pretrial conference shall be held at **2:00 p.m. on September 20, 2006**.

5. The claims of Plaintiff James Andrews against Defendant LMES and BWXT shall be set for trial beginning on **November 29, 2006**. A final pretrial conference shall be held at **2:00 p.m. on November 20, 2006**.

6. The claims of Plaintiff Doyle Mynatt against Defendant LMES shall be set for trial beginning on **October 18, 2006**. A final pretrial conference shall be held at **2:00 p.m. on October 11, 2006**.

7. The parties and the court shall reconvene to schedule the trials of Faye Brewer against Defendant Lockheed Martin Energy Research Corporation ("LMER") and Defendant UT-Battelle, LLC ("UT-Battelle") and to schedule the trials of the Security Guard Plaintiffs, which shall be conducted in three groupings as set forth below.

8. The claims of Plaintiff Donald Arnwine against Defendant LMES and of Plaintiff Loretta Davidson against Defendant LMES and Defendant Wackenhut Services, Inc. ("WSI-OR") shall be tried together as both Plaintiffs' cases include claims of wrongful termination.

9. The claims of Plaintiffs James Clark and Paul Moore against Defendants LMES and WSI-OR shall be tried together as both Plaintiffs are supervisory employees and both Plaintiffs' cases include claims regarding promotion decisions.

10. The claims of Plaintiffs Gary Alexander, Richard Campbell, John Davidson, John Moran, Paul Sheard, Paul Thomas, and Frederick Thrift shall be tried together as all of these Plaintiffs are hourly-paid, unionized employees whose cases include claims of a racially hostile working environment.

11. The severance described herein shall not create any defenses for the Defendants that they did not have available to them before the severance, and the severance also shall not adversely affect any defenses that the Defendants had available to them before the severance.

12. The defendants' motions for summary judgment [Docs. 124, 126, 128, 130, 140, 143, 145, 184, 186, 245, 271, 276, 279, 280, 281, 282, 291, 294, 297, 300, 303, 304, 309, 312, 341] are **DENIED** without prejudice with leave to refile within thirty (30) days of this order.

13. The Clerk's Office is directed to establish separate case numbers for the following:

a. Plaintiff Eugene Miller against Defendant Lockheed Martin Energy Systems, Inc. (LMES);

b. Plaintiff Johnny Frank Linson against Defendant LMES and Defendant BWXT Y-12, L.L.C. (BWXT);

c. Plaintiff Harvey Stevens against Defendant LMES and BWXT;

d. Plaintiff Mabrey Duff against Defendant LMES and BWXT;

e. Plaintiff James Andrews against Defendant LMES and BWXT;

f. Plaintiff Doyle Mynatt against Defendant LMES;

g. Plaintiff Faye Brewer against Defendant Lockheed Martin Energy Research Corporation (“LMER”) and Defendant UT-Battelle, LLC (“UT-Battelle”) ;

h. Plaintiffs Plaintiff Donald Arnwine and Loretta Davidson against Defendant LMES and Defendant Wackenhut Services, Inc. (“WSI-OR”) ;

i. Plaintiffs James Clark and Paul Moore against Defendants LMES and WSI-OR;

j. Plaintiffs Gary Alexander, Richard Campbell, John Davidson, John Moran, Paul Sheard, Paul Thomas, and Frederick Thrift against Defendants LMES and WSI-OR.

14. Upon establishing new case numbers and files for each case, the Clerk’s Office is directed to include a copy of this order as the initial pleading, along with the following docket entries: the Third Amended Complaint which is an attachment to Doc. 175 and Docs. 232, 234, 235, and 236.

15. The Clerk’s Office is directed to include a copy of the court’s Memorandum and Order [Doc. 224] in the case of Plaintiff Faye Brewer against Defendant Lockheed Martin Energy Research Corporation (“LMER”) and Defendant UT-Battelle, LLC (“UT-Battelle”).

16. A new scheduling order will be issued for each new case number.

17. The case of *Paul Sheard, et al. v. Lockheed Martin Energy Systems, Inc., et al.* will be administratively closed. The parties are directed to make all future filings under the newly established case numbers.

ENTER this 2nd day of February, 2006.

s/ Thomas W. Phillips
United States District Judge